

Origins of Harris County Attorney's Office

I. Introduction

Legend has it that the Harris County Attorney's Office was formed to rid the city of a notorious "cat house." Apparently, the District Attorney and many other influential characters back in the early 50's frequented this "cat house" which was supposedly located somewhere on Nance St. Of course, the distinguished patronage that this particular house of ill repute received gave it a great deal of protection from prosecution. In all likelihood, the more respectable citizens of Houston probably felt that this simply would not do. In response to all of this debauchery, the County Commissioners at the time decided that they needed a neutral office, which could handle this little "problem." Therefore, the legend goes that the Harris County Attorney's office was born to rid the land of the "cat house."

It is a great legend, one fit for a novel or even a major motion picture. However, there does not appear to be a shred of evidence to support any of it. There apparently was a "cat house" on Nance Street; but if the Harris County Attorney's Office was created to end its life, it did a particularly poor job of it. That particular place of business lasted well into the 70's, or so word has it. It appears that the legend is nothing more than the worst kind of hearsay, certainly not admissible in court...not even under any of the exceptions.

The saying goes that "truth is sometimes stranger than fiction." Perhaps that is not entirely accurate in this case; after all, what could be stranger than a government civil legal service created for the sole purpose of ridding the world of what was, and still is in most places, a criminal enterprise? However, the true story of the Office's creation is certainly not without its own juicy details, and who knows what was going on behind the scenes.

II. The Office Before 1953

The very first person who was called the Harris County Attorney was a man named Isaac H. Moreland. [\[1\]](#) Mr. Moreland was appointed to the position on October 18, 1838. [\[2\]](#) After Mr. Moreland there was a succession of County Attorneys for sporadic terms including John R. Reid (April, 1840-December, 1841); John H.

Manley (November, 1860-November 1895; and J.C.C. Winch (1866-1896).^[3] From around 1838 to 1869, the County Commissioners Court elected the County Attorney as the need arose.^[4] The office back then was primarily concerned with the prosecution of delinquent taxpayers.^[5] However, there is some indication that the County Attorney may have also served the dual role of handling both the County's civil matters and criminal prosecutions.^[6]

The period between 1869 and 1876 is rather muddy when it comes to information about the County Attorney. The Constitution of 1869 abolished the position, but Michael Looscan was appointed on and off from about 1870 to 1876.^[7] Then the Constitution of 1876 re-established the position in its current constitutional form with Article V, section 21.^[8] Subsequent to this, Looscan was elected to the position of County Attorney in 1876 and served until 1881. The duties of the Harris County Attorney at this time are again quite uncertain; however, there is indication that these attorneys also served a dual role similar to their predecessors from 1838-1869.^[9] It is known that after 1876, the County Attorney was made responsible for cases in courts below the district level and was to assist or fill in for the District Attorney when needed.^[10]

Starting with Mr. Looscan, there is a clear line, with a few exceptions, of County Attorneys until around 1924 when the trail again grows cold. The attorneys in this time period include: W.C. Oliver (1882-1886); James K.P. Gillaspie (1887-1890); T. Blake Dupree (1891-1896); Ernest H. Vasmer (1897-1898); F. Lee Schwander (1899-1909); Roy L. Whitehead (1910-1915); and E.R. Campbell (probably from 1919-1923).^[11] From 1924 until 1953, the position of County Attorney is not mentioned in the city directories and does not appear to have existed.^[12]

III. The Office in its Current Form

The office of Harris County Attorney in its current capacity came into existence on June 5, 1953 when the legislature passed House Bill 562.^[13] The office did not actually become effective until September 1 of the same year.^[14] The first County Attorney under the new statute, Natt Burke Holman, was by all accounts rather reluctant to take the position.^[15] However, before venturing into Mr. Holman's rather short career as Harris County Attorney, the story of how the office actually formed must be told.

It all started in 1952 when Harris County had no County Attorney and the Criminal District Attorney represented the county in both civil and criminal matters. The Criminal District Attorney at the time was William Scott. In December of 1952, Mr. Scott's office was stretched thin; it was overloaded with cases, undermanned and underfunded.^[16] Therefore, Mr. Scott went to Commissioners Court and asked for extra money in order to hire more attorneys to handle the caseload.^[17] Mr. Scott was asking for \$300,000 for the upcoming year; Commissioners Court gave him \$235,000.^[18] This had the unfortunate effect of seriously angering Mr. Scott.

Meanwhile, there were rumblings in other areas of the county government regarding flood control matters. At the time, Ernest A Knipp was the attorney who handled all flood control matters for the county.^[19] Mr. Knipp's lawfirm, Knipp-Brody, had a two-year contract with the County whereby they would handle all flood

control legal matters for \$10,000 per year plus special fees associated with each case.[\[20\]](#) The grand total for about a year and a half of flood control work brought the County's tab up to over \$39,000.[\[21\]](#) This amount had several people within the county government questioning whether Knipp was being overpaid for his services and asking why the District Attorney was not handling flood control since he had a civil division.[\[22\]](#)

All of this controversy over Knipp's contract resulted in its non-renewal at the insistence of the then current Commissioners Court and the County Judge, Bob Casey.[\[23\]](#) The "official" justification for dropping the contracts was to save money.[\[24\]](#) The plan was for the D.A., Scott, to take over the duties of Knipp, an idea that Scott found highly objectionable.[\[25\]](#) Scott stated that he had "no money, space or lawyers to take over the 50 or more law suits of the flood control district—and besides [he didn't] think [he] can legally do it."[\[26\]](#) Scott even went so far as to write the Attorney General for an opinion on the subject.[\[27\]](#)

The non-renewal resulted in a great deal of grief in other arenas as well. The County Auditor at the time was Harry Washburn, a very influential man who had been the auditor for many years. Knipp just happened to be counsel for Mr. Washburn, which, in all likelihood, meant they were probably good friends.[\[28\]](#) As a result, Mr. Washburn was not happy that the commissioners dropped Knipp's contract, something that he did not keep secret.

In fact, the move to drop the contracts was seen as an outright rebellion against Washburn; the issue of the contracts had been around since at least 1950 when County Judge Bob Casey used it as a campaign issue.[\[29\]](#) Eventually, Casey and Washburn's relationship deteriorated to the point where they were in an all out political feud.[\[30\]](#) Commissioners Court felt that Washburn was "sticking his nose" into their business and had been "biting off a lot of authority he didn't have for the last 20 years."[\[31\]](#)

At about the same time that all of this political maneuvering was going on, Burke Holman entered the scene. Since the firing of Knipp, the County had been without an attorney for flood control. So, in a "secret" move, Commissioners Court hired the personal friend of County Judge Bob Casey, Burke Holman.[\[32\]](#) Holman was hired with a total budget of \$25,000, free office space, a secretary and any legal assistance that he needed.[\[33\]](#)

This move infuriated both William Scott and Harry Washburn. Scott publicly said that the commissioners should have given the money to him in order to hire men for his civil department.[\[34\]](#) Remember that several months before, the commissioners had refused Scott several thousand dollars worth of funding.[\[35\]](#)

Scott was vocal in stating that his office would not take over the responsibilities of flood control even before Commissioners Court hired Holman.[\[36\]](#) Perhaps his sudden interest in the job resulted from the commissioners denying his choice for Knipp's successor.[\[37\]](#) Either way, Scott went so far as to say, "His faith in Mr. Knipp was such he would allow such litigation to be brought in the name of the district attorney if Mr. Knipp were to handle it. But, he wouldn't allow Mr. Holman the same privilege."[\[38\]](#) Washburn entered the fray by saying that the commissioners could not legally hire a special attorney to do legal work for the County, although they could hire one for flood control.[\[39\]](#) This created huge problems for Mr. Holman; after all, two of the most powerful men in the county were saying that he could not legally do his job. Regardless, Commissioners Court granted Holman's contract and he became the new attorney for flood control.[\[40\]](#)

Throughout all of this turmoil, and perhaps because of it, the commissioners were considering creating the office of Harris County Attorney.[\[41\]](#) This office would handle all civil matters for the county, which included flood control.[\[42\]](#) In order to get this done, the legislature had to get involved; so Commissioners Court sent a delegation in March of 1953 to create the office.[\[43\]](#) Of course, William Scott was against the move. Scott

said, “The whole thing is just to create political jobs. I’ve never said I was in favor of it—I’m just opposed to them telling me I got to handle this or I got to handle that.”^[44] In fact, he asked the legislature to allow his office to handle all civil matters and even offered his own bill with just such a proposal, which both Commissioners Court and the Legislature rejected.^[45] Eventually, the bill passed both the House and the Senate and became law with Governor Shiver’s signature.^[46]

On September 1, 1953, Burke Holman became the “first” Harris County Attorney.^[47] Initially, Commissioners Court appointed Holman and later he was elected to a two-year term.^[48] In January of 1955, Holman decided not to run for another term.^[49] Holman said, “I came over to do a job. That was to organize a county attorney’s office and to get it working; I think I have accomplished it. When I took the job it was only for that purpose and now I think it’s time to leave.”^[50] Joe Resweber succeeded Holman in 1956, and the rest, as they say, is history.

^[1] Commissioners Court Minutes, Vol. A, Pg. 28.

^[2] *Id.*

^[3] *Houston City Officials, Harris County Officials 1837-1975 & Volunteer Fire Co. Office to 1894*, Margaret S. Henson, Pg. 33 (1976).

^[4] *Id.*

^[5] *Id.*

^[6] See Commissioners Court Minutes. Several of the “County Attorneys” of that time period are also listed as “District Attorneys” within the minutes.

^[7] See Commissioners Court Minutes; *Houston City Officials, Harris County Officials 1837-1975 & Volunteer Fire Co. Office to 1894*, Margaret S. Henson, Pg. 33 (1976).

^[8] *Houston City Officials, Harris County Officials 1837-1975 & Volunteer Fire Co. Office to 1894*, Margaret S. Henson, Pg. 33 (1976).

^[9] Commissioners Court Minutes

^[10] Texas Practice Series, *County and Special District Law*, Vol. 36, pg. 232 (2002).

^[11] *Houston City Officials, Harris County Officials 1837-1975 & Volunteer Fire Co. Office to 1894*, Margaret S. Henson, Pg. 33 (1976).

^[12] *Id.*

^[13] Harris County—Constitutional Office of County Attorney, ch. 316, 1953 Tex. Laws 53rd Gen. Sess. (codified as Tex. Civ. Stat. Ann. art. 331h, § 3; re-codified as Tex. Gov’t Code Ann. § 45.201 (Vernon 2004).

^[14] *Id.*

[15] *Houston City Officials, Harris County Officials 1837-1975 & Volunteer Fire Co. Office to 1894*, Margaret S. Henson, Pg. 33 (1976). The reluctance of Mr. Holman to take office can be found in various places including his own self authored obituary which describes his time as Harris County Attorney as a "bummer."

[16] *Scott Says Cut Ruins Program*, Houston Post, December 22, 1952, E.A. "Squatty" Lyons Papers, HCA, Houston, TX.

[17] *Id.*

[18] *Id.*

[19] *Hits County's Big Deal with Lawyers*, Houston Press, July 14, 1952, E.A. "Squatty" Lyons Papers, HCA, Houston, TX.

[20] *Id.*

[21] *Id.*

[22] *Id.*

[23] *County Court Erupts in Row*, Houston Press, December 27, 1952, E.A. "Squatty" Lyons Papers, HCA, Houston, TX.

[24] *Economy Plan May Run into Difficulty*, December 28, 1952, E.A. "Squatty" Lyons Papers, HCA, Houston, TX.

[25] *County Court Erupts in Row*, Houston Press, December 27, 1952, E.A. "Squatty" Lyons Papers, HCA, Houston, TX.

[26] *D.A. Sidesteps Flood Control Job*, Houston Press, January 8, 1953, E.A. "Squatty" Lyons Papers, HCA, Houston, TX.

[27] See Op. Tex. Att'y Gen. No. S-03 (1953). In the opinion the Attorney General sides with Scott. Specifically the AG states that "the law imposes no duty upon the Criminal District Attorney of Harris County to represent the Harris County Flood Control District in civil cases. Harris County is not authorized to pay attorneys for the Harris County Flood Control District."

[28] *Metyko and Knipp May Lose Contracts*, Houston Chron., December 23, 1952, E.A. "Squatty" Lyons Papers, HCA, Houston, TX.

[29] *County Drops 3 'Advice' Pacts*, Houston Post, January 2, 1953, E.A. "Squatty" Lyons Papers, HCA, Houston, TX.

[30] *Auditor Has County Court Eating Crow*, Houston Press, January 9, 1953, E.A. "Squatty" Lyons Papers, HCA, Houston, TX.

[31] *Id.*

[32] *Secretly Hires Man to Replace Knipp*, Houston Press, January 13, 1953, E.A. "Squatty" Lyons Papers, HCA, Houston, TX.

[33] *Id.*

[34] *Scott Aroused Over Hiring of Burke Holman*, Houston Press, January 19, 1953, E.A. "Squatty" Lyons Papers, HCA, Houston, TX.

[35] See *Scott Says Cut Ruins Program*, Houston Post, December 22, 1952, E.A. "Squatty" Lyons Papers, HCA, Houston, TX.

[36] See *D.A. Sidesteps Flood Control Job*, Houston Press, January 8, 1953, E.A. "Squatty" Lyons Papers, HCA, Houston, TX.

[37] *Sayers Blasts D.A. for 'Attack,'*, Houston Chronicle, January 20, 1953, E.A. "Squatty" Lyons Papers, HCA,

Houston, TX.

[38] *Scott Aroused Over Hiring of Burke Holman*, Houston Press, January 19, 1953, E.A. "Squatty" Lyons Papers, HCA, Houston, TX.

[39] *Attorney Post Called Illegal*, Houston Post, January 25, 1953, E.A. "Squatty" Lyons Papers, HCA, Houston, TX.

[40] *Burke Holman Contract Okehed*, Houston Press, February 11, 1953, E.A. "Squatty" Lyons Papers, HCA, Houston, TX.

[41] *Court May Ask Creation of County Attorney Office*, Houston Post, January 9, 1953, E.A. "Squatty" Lyons Papers, HCA, Houston, TX.

[42] *Id.*

[43] Commissioners' Court Minutes, March 2, 1953

[44] *D.A. Asks to Handle Co. Legal Work*, Houston Chronicle, March 12, 1953, E.A. "Squatty" Lyons Papers, HCA, Houston, TX.

[45] *Id*; *D.A's Legal Work Plan is Snubbed*, Houston Press, March 12, 1953, E.A. "Squatty" Lyons Papers, HCA, Houston, TX.

[46] *County Attorney Seems Assured*, Houston Post, March 9, 1953, E.A. "Squatty" Lyons Papers, HCA, Houston, TX; *Harris County Attorney Bills Go to Shivers*, Houston Chronicle, May 20, 1953, E.A. "Squatty" Lyons Papers, HCA, Houston, TX; Harris County—Constitutional Office of County Attorney, ch. 316, 1953 Tex. Laws 53rd Gen. Sess. (codified as Tex. Civ. Stat. Ann. art. 331h, § 3; re-codified as Tex. Gov't Code Ann. § 45.201 (Vernon 2004)).

[47] *New County Attorney to Keep Private Job*, Houston Press, September 3, 1953, E.A. "Squatty" Lyons Papers, HCA, Houston, TX.

[48] *County Atty. Holman Won't Run Again*, Houston Press, April 10, 1956, E.A. "Squatty" Lyons Papers, HCA, Houston, TX.

[49] *Id.*

[50] *Id.*